

CHAPTER ONE SENTENCING IN KANSAS

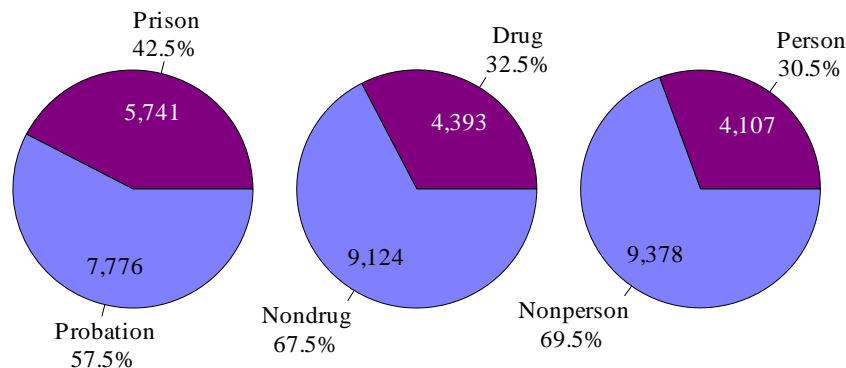
SENTENCES REPORTED IN FISCAL YEAR 2005

The analyses of sentences in this report include both prison and non-prison or probation sentences. Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences. Sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event.

A total number of 13,517 felony sentences were reported to the Kansas Sentencing Commission in fiscal year (FY) 2005, which increased by 3.6% over that of FY 2004. Of that total number of sentences, 5,741 were prison sentences and 7,776 were probation sentences. This total included 9,124 nondrug sentences and 4,393 drug sentences. Non-person offenses accounted for 69.5%

and person offenses accounted for 30.5% (Figure 1). The overall sentencing distribution by sentence type and offense type at each severity level is displayed in Figure 2. During FY 2005, 102 counties in the state reported sentences to the Commission. No sentences were reported from Clark, Gove and Stanton counties. Most of the counties reported sentences ranging from 1 to 200. Eight counties reported sentences ranging from 201 to 400, which are Butler, Douglas, Finney, Ford, Geary, Harvey, Lyon and Montgomery counties. Saline and Reno counties reported sentences more than 400. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 50.8% of all sentences during FY 2005, an increase of 1.3% over last year (Figure 3). The offenders' characteristics by individual counties are demonstrated in Table 1.

Figure 1: Sentences Reported in FY 2005



Based on 13,517 felony sentences reported in FY 2005 (July 1, 2004 through June 30, 2005)

Figure 2: FY 2005 Sentencing Distribution

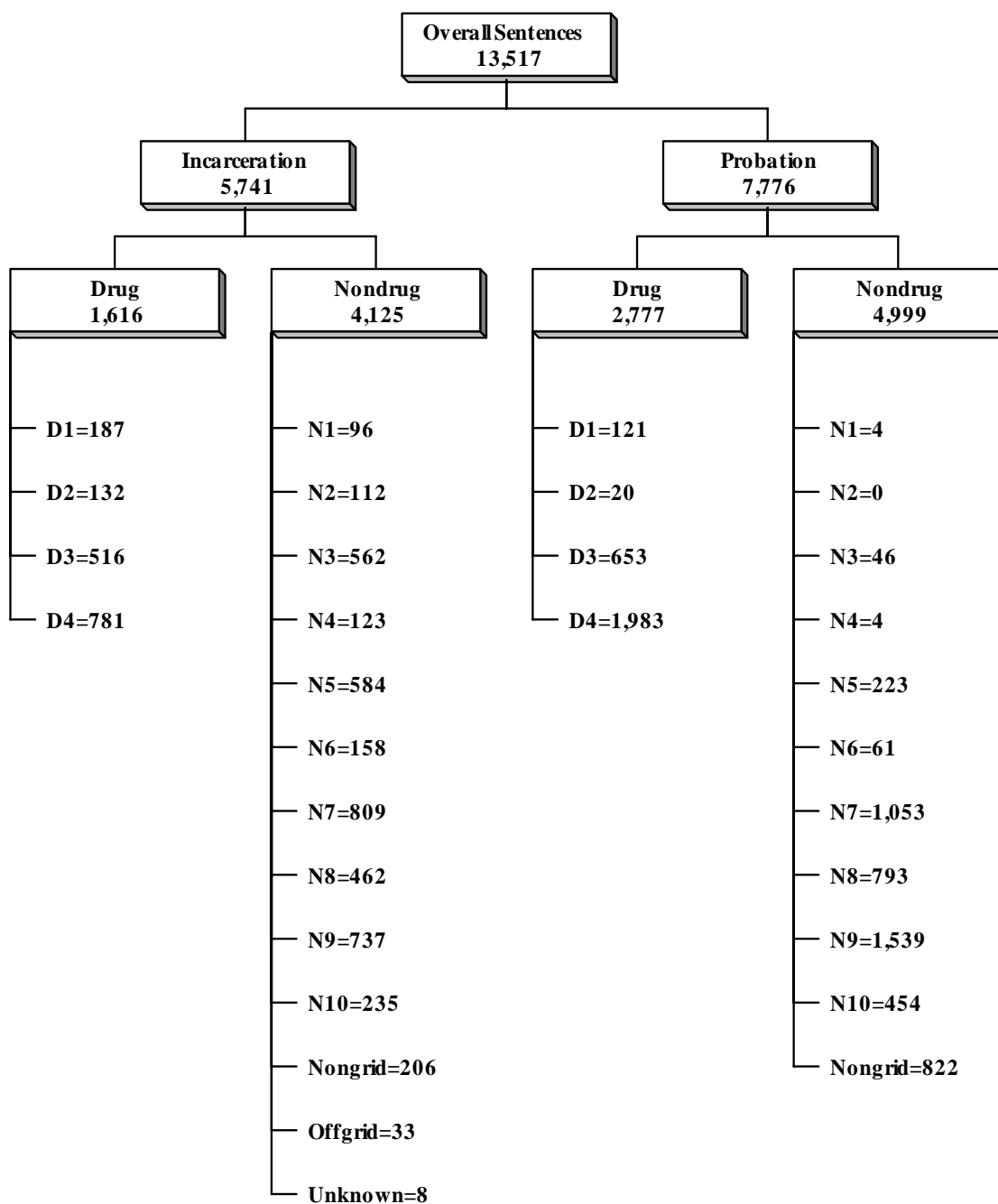


Figure 3: Sentences Reported in FY 2005 by County

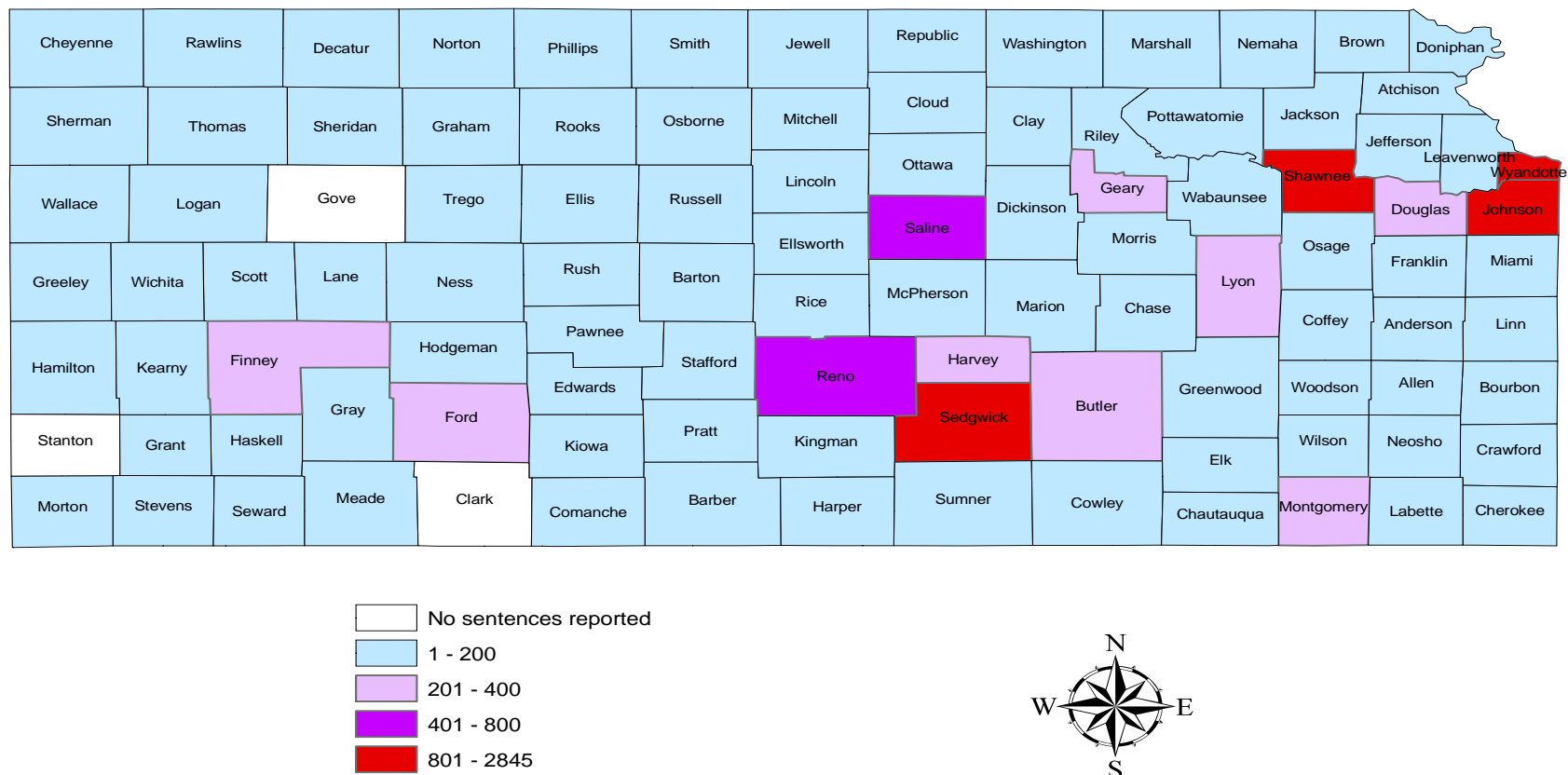


Table 1: FY 2005 Offender Characteristics by County - 1

| County | Number of Sentences | Gender | | Race | | | Sentence Type | | Offense Type | | Mean Age* |
|------------|---------------------|--------|--------|-------|-------|-------|---------------|-----------|--------------|------|-----------|
| | | Male | Female | White | Black | Other | Prison | Probation | Nondrug | Drug | |
| Allen | 75 | 65 | 9 | 65 | 7 | 2 | 23 | 52 | 52 | 23 | 30.2 |
| Anderson | 46 | 39 | 7 | 46 | 0 | 0 | 11 | 35 | 34 | 12 | 30.3 |
| Atchison | 129 | 108 | 21 | 108 | 20 | 1 | 45 | 84 | 76 | 53 | 31.5 |
| Barber | 11 | 9 | 2 | 11 | 0 | 0 | 5 | 6 | 7 | 4 | 36.3 |
| Barton | 131 | 106 | 24 | 117 | 10 | 3 | 45 | 86 | 76 | 55 | 31.2 |
| Bourbon | 113 | 74 | 39 | 91 | 16 | 6 | 27 | 86 | 65 | 48 | 31.8 |
| Brown | 56 | 44 | 12 | 44 | 10 | 2 | 24 | 32 | 28 | 28 | 32.1 |
| Butler | 213 | 171 | 41 | 196 | 13 | 3 | 79 | 134 | 147 | 66 | 30.9 |
| Chase | 10 | 10 | 0 | 10 | 0 | 0 | 2 | 8 | 6 | 4 | 38.5 |
| Chautauqua | 2 | 2 | 0 | 2 | 0 | 0 | 2 | 0 | 2 | 0 | 30.4 |
| Cherokee | 65 | 53 | 12 | 59 | 2 | 4 | 5 | 60 | 26 | 39 | 35.2 |
| Cheyenne | 2 | 1 | 1 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 33.8 |
| Clay | 12 | 12 | 0 | 12 | 0 | 0 | 3 | 9 | 10 | 2 | 35.3 |
| Cloud | 29 | 27 | 2 | 29 | 0 | 0 | 13 | 16 | 23 | 6 | 33.0 |
| Coffey | 50 | 44 | 6 | 43 | 6 | 1 | 23 | 27 | 17 | 33 | 29.4 |
| Comanche | 2 | 2 | 0 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 48.3 |
| Cowley | 65 | 54 | 11 | 49 | 14 | 2 | 46 | 19 | 45 | 20 | 30.7 |
| Crawford | 181 | 144 | 36 | 152 | 26 | 2 | 75 | 106 | 87 | 94 | 31.8 |
| Decatur | 3 | 3 | 0 | 3 | 0 | 0 | 1 | 2 | 1 | 2 | 26.4 |
| Dickinson | 37 | 36 | 1 | 33 | 3 | 1 | 31 | 6 | 30 | 7 | 28.2 |
| Doniphan | 21 | 19 | 1 | 18 | 2 | 0 | 10 | 11 | 15 | 6 | 33.0 |
| Douglas | 295 | 250 | 45 | 196 | 78 | 21 | 98 | 197 | 223 | 72 | 31.0 |
| Edwards | 12 | 11 | 1 | 12 | 0 | 0 | 8 | 4 | 6 | 6 | 36.0 |
| Elk | 5 | 4 | 1 | 5 | 0 | 0 | 2 | 3 | 5 | 0 | 40.8 |
| Ellis | 112 | 100 | 12 | 100 | 12 | 0 | 35 | 77 | 67 | 45 | 30.6 |
| Ellsworth | 31 | 28 | 3 | 25 | 6 | 0 | 21 | 10 | 18 | 13 | 28.0 |
| Finney | 273 | 228 | 45 | 256 | 15 | 2 | 99 | 174 | 180 | 93 | 29.5 |
| Ford | 205 | 173 | 29 | 187 | 11 | 4 | 80 | 125 | 130 | 75 | 27.8 |

Table 1: FY 2005 Offender Characteristics by County - 2

| County | Number of Sentences | Gender | | Race | | | Sentence Type | | Offense Type | | Mean Age |
|-------------|---------------------|--------|--------|-------|-------|-------|---------------|-----------|--------------|------|----------|
| | | Male | Female | White | Black | Other | Prison | Probation | Nondrug | Drug | |
| Franklin | 174 | 130 | 44 | 167 | 6 | 1 | 47 | 127 | 117 | 57 | 29.8 |
| Geary | 263 | 208 | 53 | 122 | 133 | 6 | 124 | 139 | 134 | 129 | 30.6 |
| Graham | 10 | 10 | 0 | 8 | 2 | 0 | 5 | 5 | 8 | 2 | 22.5 |
| Grant | 24 | 23 | 1 | 24 | 0 | 0 | 11 | 13 | 22 | 2 | 29.0 |
| Gray | 23 | 17 | 6 | 22 | 0 | 1 | 9 | 14 | 14 | 9 | 30.0 |
| Greeley | 4 | 3 | 1 | 4 | 0 | 0 | 2 | 2 | 4 | 0 | 33.6 |
| Greenwood | 40 | 34 | 4 | 38 | 0 | 0 | 13 | 27 | 25 | 15 | 34.9 |
| Hamilton | 3 | 3 | 0 | 3 | 0 | 0 | 3 | 0 | 3 | 0 | 33.0 |
| Harper | 27 | 22 | 5 | 26 | 0 | 1 | 10 | 17 | 18 | 9 | 35.4 |
| Harvey | 265 | 210 | 55 | 224 | 37 | 4 | 78 | 187 | 128 | 137 | 32.1 |
| Haskell | 4 | 4 | 0 | 3 | 0 | 1 | 3 | 1 | 3 | 1 | 23.0 |
| Hodgeman | 3 | 3 | 0 | 3 | 0 | 0 | 1 | 2 | 2 | 1 | 30.2 |
| Jackson | 43 | 36 | 6 | 37 | 1 | 4 | 16 | 27 | 20 | 23 | 35.8 |
| Jefferson | 38 | 35 | 2 | 33 | 2 | 2 | 17 | 21 | 19 | 19 | 31.1 |
| Jewell | 20 | 15 | 5 | 19 | 1 | 0 | 7 | 13 | 17 | 3 | 33.4 |
| Johnson | 1,797 | 1,448 | 349 | 1,359 | 419 | 19 | 747 | 1,050 | 1,362 | 435 | 31.7 |
| Kearny | 28 | 25 | 3 | 28 | 0 | 0 | 7 | 21 | 14 | 14 | 25.7 |
| Kingman | 37 | 30 | 7 | 36 | 0 | 1 | 13 | 24 | 25 | 12 | 34.0 |
| Kiowa | 9 | 7 | 2 | 8 | 1 | 0 | 8 | 1 | 3 | 6 | 26.5 |
| Labette | 140 | 123 | 16 | 101 | 32 | 6 | 45 | 95 | 80 | 60 | 30.0 |
| Lane | 5 | 4 | 1 | 5 | 0 | 0 | 2 | 3 | 1 | 4 | 35.7 |
| Leavenworth | 178 | 144 | 33 | 121 | 53 | 2 | 95 | 83 | 131 | 47 | 30.7 |
| Lincoln | 2 | 2 | 0 | 2 | 0 | 0 | 2 | 0 | 1 | 1 | 33.6 |
| Linn | 31 | 28 | 2 | 29 | 1 | 0 | 22 | 9 | 28 | 3 | 27.6 |
| Logan | 3 | 3 | 0 | 3 | 0 | 0 | 2 | 1 | 2 | 1 | 26.3 |
| Lyon | 292 | 244 | 48 | 235 | 54 | 3 | 105 | 187 | 154 | 138 | 29.2 |
| Marion | 30 | 25 | 5 | 30 | 0 | 0 | 7 | 23 | 12 | 18 | 31.2 |
| Marshall | 30 | 24 | 6 | 27 | 3 | 0 | 12 | 18 | 18 | 12 | 29.8 |

Table 1: FY 2005 Offender Characteristics by County – 3

| County | Number of Sentences | Gender | | Race | | | Sentence Type | | Offense Type | | Mean Age |
|--------------|---------------------|--------|--------|-------|-------|-------|---------------|-----------|--------------|------|----------|
| | | Male | Female | White | Black | Other | Prison | Probation | Nondrug | Drug | |
| McPherson | 98 | 81 | 16 | 90 | 7 | 0 | 31 | 67 | 60 | 38 | 30.2 |
| Meade | 12 | 10 | 2 | 12 | 0 | 0 | 3 | 9 | 8 | 4 | 23.0 |
| Miami | 114 | 87 | 26 | 96 | 16 | 1 | 39 | 75 | 78 | 36 | 29.9 |
| Mitchell | 17 | 15 | 2 | 17 | 0 | 0 | 7 | 10 | 14 | 3 | 28.6 |
| Montgomery | 222 | 186 | 36 | 152 | 65 | 5 | 102 | 120 | 149 | 73 | 31.8 |
| Morris | 26 | 23 | 3 | 25 | 1 | 0 | 7 | 19 | 21 | 5 | 30.8 |
| Morton | 16 | 14 | 2 | 16 | 0 | 0 | 7 | 9 | 8 | 8 | 31.6 |
| Nemaha | 19 | 18 | 1 | 18 | 1 | 0 | 8 | 11 | 12 | 7 | 34.1 |
| Neosho | 126 | 101 | 24 | 115 | 7 | 3 | 25 | 101 | 81 | 45 | 29.2 |
| Ness | 4 | 2 | 2 | 4 | 0 | 0 | 0 | 4 | 2 | 2 | 40.8 |
| Norton | 19 | 18 | 1 | 16 | 2 | 1 | 11 | 8 | 15 | 4 | 26.6 |
| Osage | 73 | 56 | 17 | 73 | 0 | 0 | 24 | 49 | 45 | 28 | 33.2 |
| Osborne | 8 | 8 | 0 | 8 | 0 | 0 | 5 | 3 | 5 | 3 | 39.8 |
| Ottawa | 5 | 4 | 1 | 3 | 1 | 1 | 5 | 0 | 2 | 3 | 30.5 |
| Pawnee | 60 | 47 | 13 | 55 | 5 | 0 | 22 | 38 | 36 | 24 | 30.2 |
| Phillips | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 35.8 |
| Pottawatomie | 59 | 47 | 11 | 56 | 2 | 0 | 12 | 47 | 45 | 14 | 29.2 |
| Pratt | 49 | 40 | 8 | 48 | 0 | 0 | 22 | 27 | 21 | 28 | 31.9 |
| Rawlins | 6 | 6 | 0 | 6 | 0 | 0 | 2 | 4 | 6 | 0 | 32.7 |
| Reno | 481 | 383 | 97 | 403 | 70 | 7 | 189 | 292 | 265 | 216 | 31.8 |
| Republic | 6 | 4 | 2 | 4 | 0 | 2 | 3 | 3 | 4 | 2 | 36.6 |
| Rice | 58 | 45 | 13 | 57 | 1 | 0 | 14 | 44 | 23 | 35 | 34.8 |
| Riley | 167 | 135 | 32 | 113 | 47 | 7 | 56 | 111 | 100 | 67 | 27.8 |
| Rooks | 25 | 21 | 4 | 24 | 1 | 0 | 7 | 18 | 16 | 9 | 32.4 |
| Rush | 10 | 9 | 1 | 10 | 0 | 0 | 3 | 7 | 2 | 8 | 36.6 |
| Russell | 39 | 34 | 5 | 34 | 5 | 0 | 13 | 26 | 28 | 11 | 29.6 |
| Saline | 564 | 432 | 122 | 437 | 98 | 19 | 239 | 325 | 362 | 202 | 30.7 |
| Scott | 5 | 5 | 0 | 5 | 0 | 0 | 5 | 0 | 4 | 1 | 28.5 |

Table 1: FY 2005 Offender Characteristics by County – 4

| County | Number of Sentences | Gender | | Race | | | Sentence Type | | Offense Type | | Mean Age |
|--------------|---------------------|---------------|--------------|--------------|--------------|------------|---------------|--------------|--------------|--------------|-------------|
| | | Male | Female | White | Black | Other | Prison | Probation | Nondrug | Drug | |
| Sedgwick | 2,845 | 2,332 | 510 | 1,740 | 1,026 | 76 | 1,445 | 1,400 | 2,040 | 805 | 31.9 |
| Seward | 129 | 107 | 22 | 109 | 19 | 1 | 53 | 76 | 103 | 26 | 28.6 |
| Shawnee | 825 | 655 | 160 | 497 | 310 | 8 | 307 | 518 | 573 | 252 | 33.7 |
| Sheridan | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 23.7 |
| Sherman | 36 | 28 | 6 | 32 | 1 | 0 | 11 | 25 | 28 | 8 | 29.1 |
| Smith | 5 | 5 | 0 | 5 | 0 | 0 | 2 | 3 | 4 | 1 | 23.4 |
| Stafford | 12 | 10 | 2 | 12 | 0 | 0 | 3 | 9 | 8 | 4 | 35.6 |
| Stevens | 22 | 16 | 6 | 22 | 0 | 0 | 14 | 8 | 10 | 12 | 28.1 |
| Sumner | 89 | 76 | 13 | 79 | 8 | 2 | 38 | 51 | 69 | 20 | 29.8 |
| Thomas | 23 | 18 | 3 | 20 | 1 | 0 | 3 | 20 | 15 | 8 | 32.2 |
| Trego | 8 | 7 | 1 | 8 | 0 | 0 | 2 | 6 | 3 | 5 | 36.6 |
| Wabaunsee | 34 | 27 | 7 | 26 | 8 | 0 | 12 | 22 | 13 | 21 | 32.7 |
| Wallace | 2 | 2 | 0 | 2 | 0 | 0 | 1 | 1 | 0 | 2 | 21.9 |
| Washington | 23 | 21 | 2 | 23 | 0 | 0 | 11 | 12 | 13 | 10 | 32.3 |
| Wichita | 7 | 7 | 0 | 7 | 0 | 0 | 3 | 4 | 6 | 1 | 29.6 |
| Wilson | 34 | 31 | 3 | 34 | 0 | 0 | 10 | 24 | 19 | 15 | 33.2 |
| Woodson | 7 | 5 | 2 | 7 | 0 | 0 | 3 | 4 | 4 | 3 | 30.6 |
| Wyandotte | 1,403 | 1,212 | 188 | 704 | 689 | 7 | 719 | 684 | 1,048 | 355 | 31.5 |
| Unknown | 14 | 12 | 2 | 13 | 0 | 1 | 14 | 0 | 13 | 1 | 34.5 |
| TOTAL | 13,517 | 11,080 | 2,384 | 9,829 | 3,387 | 246 | 5,741 | 7,776 | 9,124 | 4,393 | 31.4 |

Note: Because of missing data, numbers in each category are based on the following: Gender, N=13,464; Race, N=13,462; Sentence Type, N=13,517; Offense Type, N=13,517; and Age, N=13,461.

* Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2005. The crime categories committed by the offenders are descriptively analyzed, as well.

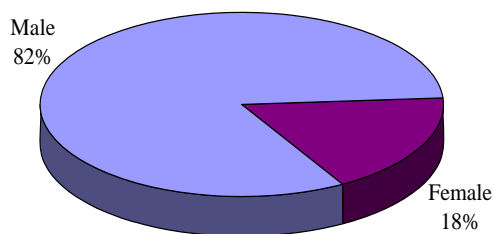
The distribution of offenders by gender, race, and age are graphically exhibited in Figures 4, 5, 6 and 7 respectively. Table 2 demonstrates offender characteristics by offense types.

In FY 2005, male offenders comprised 82% of all sentences (Figure 4) and in excess of 90% of most aggravated crimes, murders, rapes, sex offenses, burglaries, kidnapping, firearms, weapons, fleeing or eluding LEO, criminal threat, domestic battery, and other types of offenses (Table 2).

Female offenders made up 18% of the sentences in FY 2005, increasing by 1.6% compared to that of FY 2004 (16.4%). The most frequently committed crimes by female offenders (over 40%) were forgery, giving worthless checks, computer crimes and identity theft.

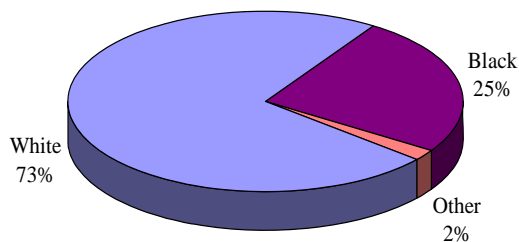
Racial analysis reveals that white offenders accounted for 73% and black offenders represented 25% of all sentences, respectively. This racial distribution remains pretty constant to that in FY 2004 (Figure 5).

Figure 4: Distribution of FY 2005 Sentences by Gender of Offenders



Based on 13,464 sentences reporting gender of offenders

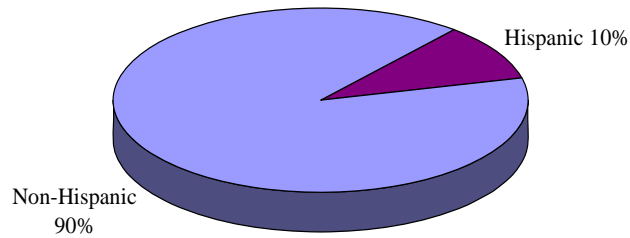
Figure 5: Distribution of FY 2005 Sentences by Race of Offenders



Based on 13,462 sentences reporting race of offenders

The distribution of ethnicity of offenders demonstrates that 90% of the offenders sentenced in FY 2005 were of Non-Hispanic origin, indicating no significant variance compared with that of FY 2004 (Figure 6). This distribution of ethnicity of offenders has been comparatively constant for the past five years.

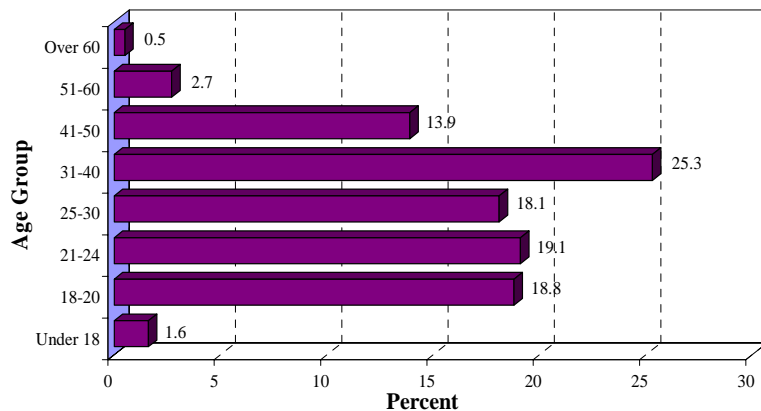
Figure 6: Distribution of FY 2005 Sentences by Ethnicity of Offenders



Based on 13,447 sentences reporting ethnicity of offenders

When analyzing offenders by age at the time of committing the offense, the largest group of offenders was found in the age group ranging from 31 to 40, representing 25.3% of all offenders in FY 2005. This finding is consistent with those in the past five years (Figure 7).

Figure 7: Distribution of FY 2005 Sentences by Age of Offenders



Based on 13,461 sentences reporting age of offenders at time of offense

Table 2: FY 2005 Offender Characteristics by Type of Offense – 1

| Offense Type | Number of Cases | Gender (%) | | Race (%) | | | Mean Age* |
|-----------------------------------|-----------------|------------|--------|----------|-------|-------|-----------|
| | | Male | Female | White | Black | Other | |
| Abuse of Child | 31 | 67.7 | 32.3 | 83.9 | 12.9 | 3.2 | 31.5 |
| Agg Arson | 19 | 72.2 | 27.8 | 72.2 | 22.2 | 5.6 | 29.8 |
| Agg Assault | 282 | 88.9 | 11.1 | 66.8 | 31.8 | 1.4 | 29.8 |
| Agg Assault on LEO | 41 | 95.1 | 4.9 | 73.2 | 26.8 | 0.0 | 31.5 |
| Agg Battery | 663 | 91.4 | 8.6 | 62.3 | 34.8 | 2.9 | 28.9 |
| Agg Battery on LEO | 18 | 94.4 | 5.6 | 61.1 | 38.9 | 0.0 | 29.4 |
| Agg Burglary | 149 | 89.9 | 10.1 | 59.7 | 36.9 | 3.4 | 28.5 |
| Agg Criminal Sodomy w/Child | 62 | 100.0 | 0.0 | 82.3 | 14.5 | 3.2 | 30.9 |
| Agg Escape from Custody | 102 | 86.3 | 13.7 | 62.7 | 34.3 | 2.9 | 31.1 |
| Agg Failure to Appear | 41 | 87.5 | 12.5 | 67.5 | 30.0 | 2.5 | 32.8 |
| Agg False Impersonation | 16 | 93.8 | 6.3 | 81.3 | 18.7 | 0.0 | 30.7 |
| Agg Robbery | 300 | 95.0 | 5.0 | 43.7 | 55.3 | 1.0 | 25.4 |
| Agg Incest | 11 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 35.9 |
| Agg Indecent Liberties w/Child | 345 | 98.6 | 1.4 | 79.7 | 18.3 | 2.0 | 29.2 |
| Agg Indecent Solicit w/Child | 81 | 97.5 | 2.5 | 81.5 | 16.0 | 2.5 | 29.6 |
| Agg Inter w/Parental Custody | 9 | 44.4 | 55.6 | 88.9 | 0.0 | 11.1 | 31.7 |
| Agg Intimidation of a Victim | 10 | 90.0 | 10.0 | 80.0 | 20.0 | 0.0 | 27.5 |
| Agg Kidnapping | 20 | 100.0 | 0.0 | 50.0 | 50.0 | 0.0 | 28.8 |
| Agg Sexual Battery | 64 | 100.0 | 0.0 | 48.4 | 45.3 | 6.3 | 31.2 |
| Agg Weapon Violation | 14 | 92.9 | 7.1 | 50.0 | 35.7 | 14.3 | 34.8 |
| Aid Felon | 30 | 73.3 | 26.7 | 56.7 | 43.3 | 0.0 | 28.0 |
| Arrange Sale/Purchase Drug | 7 | 71.4 | 28.6 | 100.0 | 0.0 | 0.0 | 32.0 |
| Arson | 45 | 84.4 | 15.6 | 73.3 | 26.7 | 0.0 | 29.0 |
| Banking Embezzlement | 6 | 0.0 | 100.0 | 83.3 | 16.7 | 0.0 | 39.1 |
| Battery on LEO | 49 | 71.4 | 28.6 | 46.9 | 51.0 | 2.0 | 25.9 |
| Burglary | 1,242 | 91.9 | 8.1 | 79.6 | 18.6 | 1.8 | 26.5 |
| Contribute Child's Misconduct | 17 | 64.7 | 35.3 | 88.2 | 5.9 | 5.9 | 24.5 |
| Computer Crime | 17 | 58.8 | 41.2 | 94.1 | 5.9 | 0.0 | 30.6 |
| Criminal Damage to Property | 134 | 85.8 | 14.2 | 75.4 | 21.6 | 3.0 | 27.1 |
| Criminal Discharge of Firearm | 19 | 100.0 | 0.0 | 57.9 | 36.8 | 5.3 | 23.5 |
| Criminal Sodomy w/Child | 8 | 100.0 | 0.0 | 87.5 | 0.0 | 12.5 | 23.4 |
| Criminal Threat | 299 | 92.3 | 7.7 | 74.8 | 22.5 | 2.7 | 31.0 |
| Criminal Use of Explosives | 7 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 25.7 |
| Criminal Use of Financial Card | 50 | 62.0 | 38.0 | 68.0 | 28.0 | 4.0 | 29.6 |
| Domestic Battery | 13 | 100.0 | 0.0 | 76.9 | 23.1 | 0.0 | 30.8 |
| Driving While a Habitual Violator | 6 | 100.0 | 0.0 | 50.0 | 50.0 | 0.0 | 31.9 |

Table 2: FY 2005 Offender Characteristics by Type of Offense – 2

| Offense Type | Number of Cases | Gender (%) | | Race (%) | | | Mean Age* |
|---------------------------------|-----------------|-------------|-------------|-------------|-------------|------------|-------------|
| | | Male | Female | White | Black | Other | |
| Drugs | 4,393 | 78.6 | 21.4 | 75.4 | 23.2 | 1.4 | 31.0 |
| Drug without Tax Stamps | 91 | 81.3 | 18.7 | 79.1 | 20.9 | 0.0 | 30.9 |
| DUI | 1,015 | 86.7 | 13.3 | 90.9 | 7.5 | 1.6 | 39.1 |
| Failure to Register | 35 | 100.0 | 0.0 | 82.9 | 17.1 | 0.0 | 35.3 |
| Fleeing or Eluding LEO | 271 | 93.3 | 6.7 | 68.0 | 30.1 | 1.9 | 29.5 |
| Forgery | 870 | 52.7 | 47.3 | 69.8 | 28.4 | 1.9 | 30.7 |
| False Writing | 106 | 61.0 | 39.0 | 66.7 | 32.4 | 1.0 | 31.8 |
| Giving Worthless Checks | 75 | 52.7 | 47.3 | 87.8 | 9.5 | 2.7 | 34.6 |
| Identity Theft | 77 | 50.6 | 49.4 | 76.6 | 23.4 | 0.0 | 32.4 |
| Indecent Liberties w/Child | 93 | 98.9 | 1.1 | 77.4 | 20.4 | 2.2 | 28.1 |
| Indecent Solicitation of Child | 52 | 98.1 | 1.9 | 94.2 | 5.8 | 0.0 | 24.5 |
| Involuntary Manslaughter | 44 | 95.5 | 4.5 | 68.2 | 31.8 | 0.0 | 25.3 |
| Kidnapping | 59 | 96.6 | 3.4 | 59.3 | 37.3 | 3.4 | 28.1 |
| Lewd and Lascivious Behavior | 14 | 100.0 | 0.0 | 92.9 | 7.1 | 0.0 | 34.7 |
| Medicaid Fraud | 8 | 37.5 | 62.5 | 87.5 | 12.5 | 0.0 | 39.0 |
| Murder in the First Degree | 49 | 95.9 | 4.1 | 49.0 | 49.0 | 2.0 | 27.8 |
| Murder in the Second Degree | 35 | 88.6 | 11.4 | 51.4 | 40.0 | 8.6 | 26.2 |
| Nonsupport of Child or Spouse | 72 | 97.2 | 2.8 | 93.1 | 6.9 | 0.0 | 34.8 |
| Obstructing Legal Process | 108 | 88.0 | 12.0 | 68.5 | 28.7 | 2.8 | 29.4 |
| Obtain Prescription Drug | 8 | 37.5 | 62.5 | 100.0 | 0.0 | 0.0 | 35.5 |
| Possession of Firearm | 96 | 96.9 | 3.1 | 50.0 | 46.9 | 3.1 | 28.4 |
| Rape | 121 | 100.0 | 0.0 | 54.5 | 43.8 | 1.7 | 26.8 |
| Robbery | 294 | 89.1 | 10.9 | 43.2 | 55.4 | 1.4 | 26.8 |
| Securities Crimes | 13 | 92.3 | 7.7 | 100.0 | 0.0 | 0.0 | 44.6 |
| Sex Exploitation of a Child | 26 | 96.2 | 3.8 | 92.3 | 7.7 | 0.0 | 35.8 |
| Stalking | 14 | 92.3 | 7.7 | 76.9 | 23.1 | 0.0 | 39.3 |
| Theft | 1,082 | 74.4 | 25.6 | 70.9 | 26.9 | 2.1 | 30.9 |
| Traffic in Contraband | 52 | 76.9 | 23.1 | 76.9 | 19.2 | 3.8 | 28.7 |
| Unlawful Sexual Relation | 5 | 100.0 | 0.0 | 60.0 | 40.0 | 0.0 | 34.1 |
| Unlawful Voluntary Sex Relation | 26 | 96.2 | 3.8 | 84.6 | 15.4 | 0.0 | 18.7 |
| Voluntary Manslaughter | 43 | 100.0 | 0.0 | 39.5 | 53.5 | 7.0 | 25.7 |
| Weapons | 7 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 30.3 |
| Other | 36 | 72.7 | 27.3 | 90.9 | 9.1 | 0.0 | 32.0 |
| TOTAL | 13,517 | 82.3 | 17.7 | 73.0 | 25.2 | 1.8 | 30.5 |

Note: Due to missing data, percentages in each category are based on different numbers: Gender, N=13,464; Race, N=13,462; and Age, N=13,461.

* Average age at time of offense.

INCARCERATION SENTENCES

Characteristics of Offenders

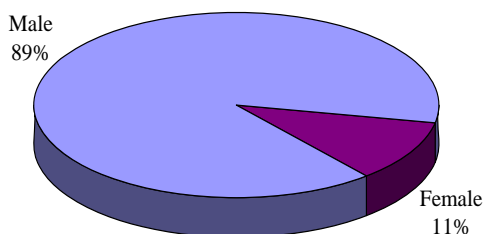
Figures 8, 9, 10, 11 and 12 depict the characteristics of offenders admitted to the state correctional facilities during FY 2005.

The predominant offender group admitted to prison in FY 2005 continued to be white males (Figures 8 and 9). Non-Hispanic offenders represented 91% of the offenders sentenced to prison (Figure 10). The overall distributions of the offenders by gender, race and ethnic origin are constant compared with those of the past five years.

The largest number of incarcerated offenders were identified in their thirties (27.5%) at the time of admission to prison (Figure 11).

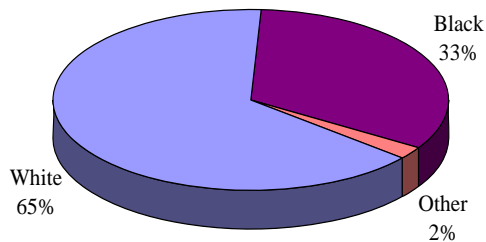
Approximately 54% of the incarcerated offenders had obtained a high school diploma or GED equivalent (Figures 12).

Figure 8: FY 2005 Incarceration Sentences by Gender of Offenders



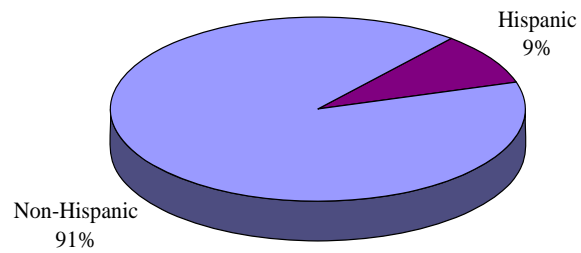
Based on 5,741 incarceration sentences reporting gender of offenders

Figure 9: FY 2005 Incarceration Sentences by Race of Offenders



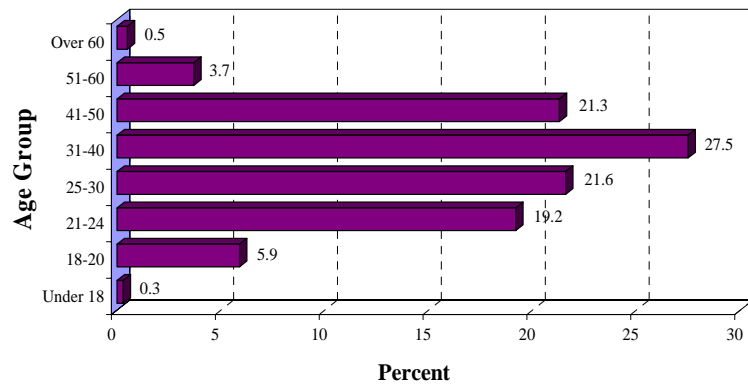
Based on 5,740 incarceration sentences reporting race of offenders

Figure 10: FY 2005 Incarceration Sentences by Ethnic Origin of Offenders



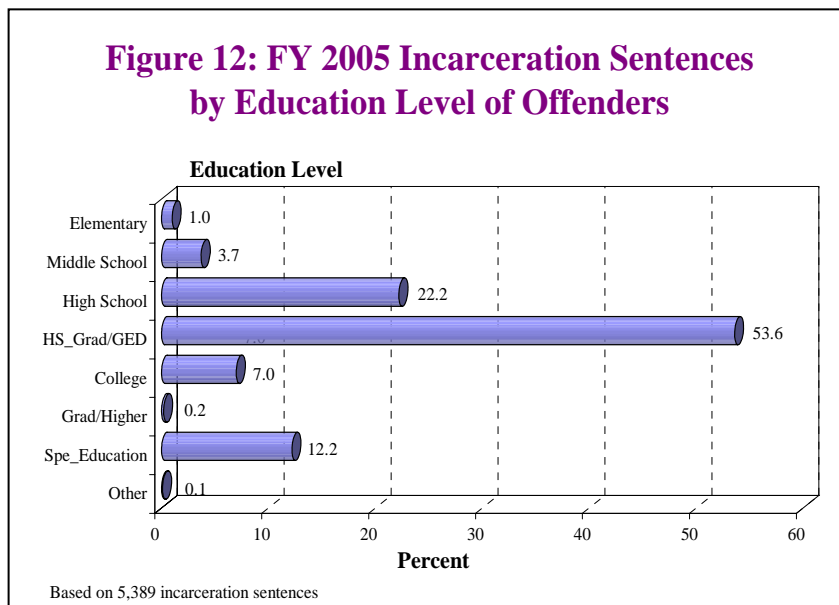
Based on 5,730 incarceration sentences reporting ethnic origin of offenders

Figure 11: FY 2005 Incarceration Sentences by Age of Offenders at Admission



Based on 5,741 incarceration sentences reporting age of offenders

Figure 12: FY 2005 Incarceration Sentences by Education Level of Offenders



Incarceration Nondrug Offenses

Totaling 4,125 sentences, incarceration nondrug offenses made up approximately 72% of the total incarceration sentences (5,741) in FY 2005. The top ten nondrug offenses included aggravated assault, aggravated battery, aggravated indecent liberties with a child, aggravated robbery, burglary, DUI, forgery, rape, robbery and theft (Table 3).

Over 90% of sentences in the top ten crime categories, except forgery and theft, were committed by male offenders. Most sex offenders were males, indicating no change from the previous year. However, the highest percentage of sentenced females (over 30%) were found in the offense categories of criminal use of financial card,

forgery, giving false writing, aiding felon, aggravated arson and contributing child's misconduct (Table 3).

The analysis on the race characteristics of offenders indicated that the highest incarceration rates for whites (over 70%) were discovered in the areas of sex offenses, burglary, DUI, criminal threat, nonsupport of a child or spouse and traffic in contraband. Nevertheless, blacks were incarcerated more often (over 50%) for the crimes of murders, aggravated robbery, robbery and possession of firearms. The average age of the nondrug offenders was 33.5 years old at the time of admission to prison in FY 2005, which is very close to that of FY 2004 (Table 3).

Table 3: FY 2005 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

| Offense Type | Number of Cases | Gender (%) | | Race (%) | | | Average Age at Admission |
|-----------------------------------|-----------------|------------|--------|----------|-------|-------|--------------------------|
| | | Male | Female | White | Black | Other | |
| Abuse of Child | 17 | 82.4 | 17.6 | 88.2 | 5.9 | 5.9 | 31.3 |
| Agg Arson | 13 | 69.2 | 30.8 | 69.2 | 23.1 | 7.7 | 34.9 |
| Agg Assault | 124 | 91.9 | 8.1 | 62.1 | 36.3 | 1.6 | 32.0 |
| Agg Assault on LEO | 28 | 100.0 | 0.0 | 75.0 | 25.0 | 0.0 | 34.6 |
| Agg Battery | 365 | 94.2 | 5.8 | 55.9 | 40.5 | 3.6 | 32.3 |
| Agg Battery on LEO | 13 | 100.0 | 0.0 | 61.5 | 38.5 | 0.0 | 34.6 |
| Agg Burglary | 94 | 94.7 | 5.3 | 53.2 | 43.6 | 3.2 | 33.4 |
| Agg Criminal Sodomy w/Child | 61 | 100.0 | 0.0 | 82.0 | 14.8 | 3.2 | 37.7 |
| Agg Escape from Custody | 81 | 86.4 | 13.6 | 59.3 | 37.0 | 3.7 | 35.0 |
| Agg Failure to Appear | 8 | 100.0 | 0.0 | 75.0 | 25.0 | 0.0 | 32.5 |
| Agg False Impersonation | 6 | 100.0 | 0.0 | 83.3 | 16.7 | 0.0 | 32.4 |
| Agg Incest | 6 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 39.6 |
| Agg Indecent Liberties w/Child | 272 | 98.9 | 1.1 | 77.2 | 20.2 | 2.6 | 33.8 |
| Agg Indecent Solicit w/Child | 51 | 98.0 | 20.0 | 74.5 | 21.6 | 3.9 | 30.9 |
| Agg Kidnapping | 20 | 100.0 | 0.0 | 50.0 | 50.0 | 0.0 | 42.6 |
| Agg Robbery | 274 | 95.6 | 4.4 | 43.1 | 55.8 | 1.1 | 34.2 |
| Agg Sexual Battery | 48 | 100.0 | 0.0 | 43.8 | 52.0 | 4.2 | 36.3 |
| Agg Weapon Violation | 8 | 87.5 | 12.5 | 62.5 | 25.0 | 12.5 | 34.7 |
| Aid Felon | 9 | 66.7 | 33.3 | 44.4 | 55.6 | 0.0 | 29.5 |
| Arson | 15 | 93.3 | 6.7 | 60.0 | 40.0 | 0.0 | 32.2 |
| Battery on LEO | 31 | 77.4 | 22.6 | 35.5 | 61.3 | 3.2 | 27.6 |
| Burglary | 504 | 94.8 | 5.2 | 73.4 | 25.0 | 1.6 | 30.5 |
| Contribute Child's Misconduct | 5 | 40.0 | 60.0 | 80.0 | 20.0 | 0.0 | 24.8 |
| Criminal Damage to Property | 36 | 91.7 | 8.3 | 63.9 | 33.3 | 2.8 | 32.6 |
| Criminal Sodomy w/Child | 7 | 100.0 | 0.0 | 85.7 | 0.0 | 14.3 | 26.9 |
| Criminal Threat | 102 | 94.1 | 5.9 | 72.5 | 24.5 | 2.9 | 31.2 |
| Criminal Use Financial Card | 12 | 66.7 | 33.3 | 75.0 | 25.0 | 0.0 | 32.9 |
| Discharge of Firearm | 16 | 100.0 | 0.0 | 50.0 | 43.8 | 6.3 | 24.5 |
| Drug without Tax Stamps | 23 | 78.3 | 21.7 | 69.6 | 30.4 | 0.0 | 34.1 |
| Driving While a Habitual Violator | 5 | 100.0 | 0.0 | 60.0 | 40.0 | 0.0 | 34.0 |
| DUI | 204 | 95.6 | 4.4 | 89.2 | 8.3 | 2.5 | 42.6 |
| Failure to Register | 11 | 100.0 | 0.0 | 90.9 | 9.1 | 0.0 | 33.6 |
| Fleeing or Eluding LEO | 88 | 96.6 | 3.4 | 64.8 | 31.8 | 3.4 | 32.5 |
| Forgery | 292 | 66.4 | 33.6 | 64.7 | 33.2 | 2.1 | 34.6 |
| False Writing | 33 | 66.7 | 33.3 | 51.5 | 48.5 | 0.0 | 34.8 |

Table 3: FY 2005 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

| Offense Type | Number of Cases | Gender (%) | | Race (%) | | | Average Age at Admission |
|---------------------------------|-----------------|-------------|------------|-------------|-------------|------------|--------------------------|
| | | Male | Female | White | Black | Other | |
| Giving Worthless Checks | 7 | 85.7 | 14.3 | 100.0 | 0.0 | 0.0 | 38.8 |
| Identity Theft | 23 | 73.9 | 26.1 | 65.2 | 34.8 | 0.0 | 37.0 |
| Indecent Liberties w/Child | 75 | 100.0 | 0.0 | 77.3 | 20.0 | 2.7 | 35.3 |
| Indecent Solicitation of Child | 24 | 100.0 | 0.0 | 87.5 | 12.5 | 0.0 | 25.5 |
| Involuntary Manslaughter | 33 | 93.9 | 6.1 | 66.7 | 33.3 | 0.0 | 28.1 |
| Kidnapping | 52 | 98.1 | 1.9 | 57.7 | 40.4 | 1.9 | 35.4 |
| Lewd and Lascivious Behavior | 5 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 34.6 |
| Murder in the First Degree | 48 | 97.9 | 2.1 | 47.9 | 50.0 | 2.1 | 34.0 |
| Murder in the Second Degree | 35 | 88.6 | 11.4 | 51.4 | 40.0 | 8.6 | 34.5 |
| Nonsupport of Child or Spouse | 31 | 96.8 | 3.2 | 90.3 | 9.7 | 0.0 | 39.0 |
| Obstructing Legal Process | 39 | 89.7 | 10.3 | 53.8 | 41.0 | 5.1 | 30.3 |
| Possession of Firearm | 41 | 97.6 | 2.4 | 43.9 | 56.1 | 0.0 | 29.0 |
| Rape | 116 | 100.0 | 0.0 | 53.4 | 44.8 | 1.7 | 36.0 |
| Robbery | 212 | 91.5 | 8.5 | 37.7 | 60.8 | 1.4 | 31.8 |
| Securities Crimes | 6 | 83.3 | 16.7 | 100.0 | 0.0 | 0.0 | 43.2 |
| Sex Exploitation of a Child | 15 | 100.0 | 0.0 | 86.7 | 13.3 | 0.0 | 38.5 |
| Stalking | 7 | 100.0 | 0.0 | 57.1 | 42.9 | 0.0 | 40.5 |
| Theft | 371 | 85.2 | 14.8 | 63.1 | 33.2 | 3.8 | 33.4 |
| Traffic in Contraband | 27 | 88.9 | 11.1 | 70.4 | 25.9 | 3.7 | 30.3 |
| Unlawful Voluntary Sex Relation | 9 | 100.0 | 0.0 | 77.8 | 22.2 | 0.0 | 21.0 |
| Voluntary Manslaughter | 39 | 100.0 | 0.0 | 43.6 | 51.3 | 5.1 | 33.8 |
| Other | 28 | 67.9 | 32.1 | 89.3 | 7.1 | 3.6 | 35.7 |
| TOTAL | 4,125 | 91.3 | 8.7 | 63.7 | 33.9 | 2.4 | 33.5 |

Incarceration Drug Offenses

A total number of 1,616 offenders were admitted to prison during FY 2005 for conviction of drug crimes, representing 28.1% of the total admission to the State Correctional Facilities. Of the total 1,616 incarceration drug sentences, almost 50% were offenses of drug possession indicating an increase of 4.2% compared with that of FY 2004 (45.7%). More than 91% of the drug possession sentences fell at drug severity level 4 (Figure 13).

Approximately 84% of the drug offenders were males. Female offenders represented the highest percent (over 20%) in the drug crimes of opiates or narcotics possession offenses, opiates or narcotics sale third offense and possession of precursor drugs. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of unlawfully manufacturing controlled substance, possession of paraphernalia and possession of precursor

drugs. Black offenders were incarcerated more frequently (over 40%) for convictions of drug crimes of the opiate or narcotics possession for the second, third and subsequent offenses, and opiate or narcotics sale for the first and the second offenses, which demonstrates little difference from those of FY 2004. The average age of the drug offenders was nearly 34 years old at admission to prison (Table 4), remaining constant to the age of the drug offenders observed in FY 2004 (34 years old).

The drug crime of possession of precursor drugs under K.S.A. 65-7006 has kept increasing since it was created in the 1999 Legislative Session. During FY 2005, sixty-one drug offenders were sentenced to prison under this drug crime and the majority of the offenders were white males (Table 4). Figure 14 presents the conviction trend of the crime in the past six years.

The drug possession sentences at drug severity level 4 included drug crimes under K.S.A. 65-4160 and K.S.A. 65-4162. Drug possession offenses at drug severity levels 1 and 2 reflected the drug crimes committed before November 1, 2003 (before the implementation of SB 123).

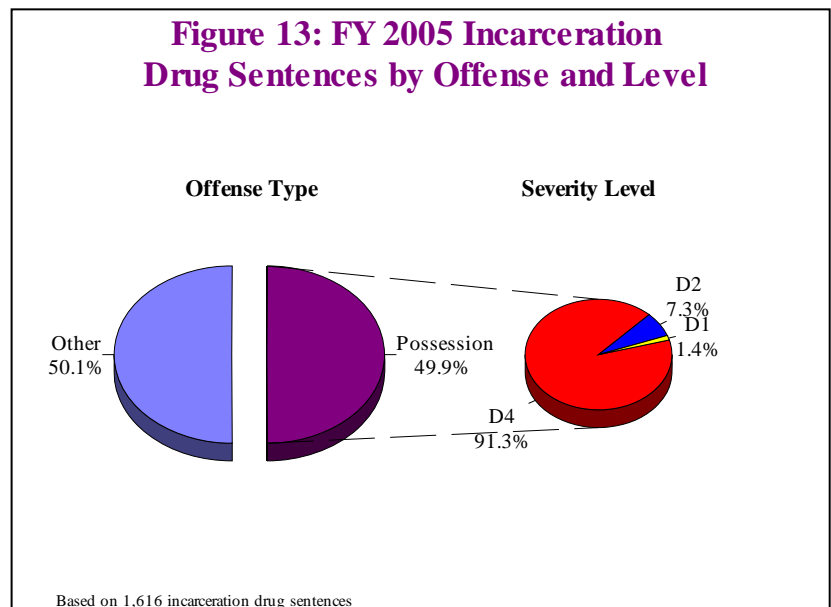
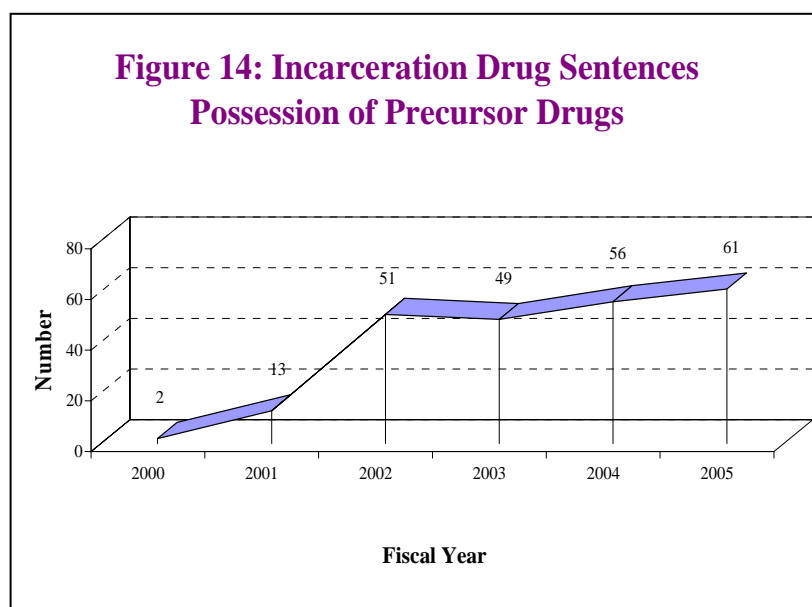


Table 4: FY 2005 Incarceration Drug Offender Characteristics by Type of Offense

| Offense Type | Number of Cases | Gender (%) | | Race (%) | | | Average Age at Admission |
|---|-----------------|-------------|-------------|-------------|-------------|------------|--------------------------|
| | | Male | Female | White | Black | Other | |
| Opiates or Narcotics; Poss 1 | 631 | 77.2 | 22.8 | 62.9 | 34.8 | 2.4 | 33.8 |
| Opiates or Narcotics; Poss 2 | 59 | 78.0 | 22.0 | 54.2 | 42.4 | 3.4 | 35.7 |
| Opiates or Narcotics; Poss 3 | 11 | 63.6 | 36.4 | 27.3 | 72.7 | 0.0 | 39.8 |
| Opiates or Narcotics; Sale 1 | 336 | 86.9 | 13.1 | 56.8 | 42.0 | 1.2 | 33.5 |
| Opiates or Narcotics; Sale 2 | 18 | 88.9 | 11.1 | 16.7 | 83.3 | 0.0 | 40.7 |
| Opiates or Narcotics; Sale 3 | 6 | 66.7 | 33.3 | 66.7 | 33.3 | 0.0 | 35.6 |
| Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School | 36 | 86.1 | 13.9 | 69.4 | 27.8 | 2.8 | 32.8 |
| Depress, Stim, Hall; Poss 2 | 105 | 92.4 | 7.6 | 74.3 | 23.8 | 1.9 | 30.3 |
| Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale | 168 | 92.3 | 7.7 | 72.6 | 24.4 | 3.0 | 29.6 |
| Unlawful Manufacture Controlled Substance | 139 | 92.8 | 7.2 | 98.6 | 1.4 | 0.0 | 37.3 |
| Possession of Paraphernalia | 44 | 97.7 | 2.3 | 86.4 | 13.6 | 0.0 | 34.5 |
| Possession of Precursor Drugs | 61 | 78.7 | 21.3 | 95.1 | 3.3 | 1.6 | 33.9 |
| Other | 2 | 50.0 | 50.0 | 100.0 | 0.0 | 0.0 | 29.1 |
| TOTAL | 1,616 | 83.9 | 16.1 | 67.4 | 30.7 | 1.9 | 33.6 |

According to the Kansas Court of Appeals' ruling over *State vs. Frazier* in March 2002, the severity level for the crime of possession of precursor drugs was reclassified to drug severity level 4. However, in the Kansas Supreme Court's decision on *State vs. Campbell* issued in January 2005, the crime is reconfirmed as a drug severity level 1 felony with length of sentence at drug level 4 (Figure 14).



Types of Admission and Severity Levels

The distribution of offenders by types of admission to the Kansas Department of Corrections (KDOC) in FY 2005 is illustrated in Table 5. Condition violators, including probation condition violators, parole/post-release condition violators, and conditional release condition violators, comprised 68.3% of all offenders admitted to state correctional facilities during FY 2005. This represents a percentage decrease of 0.2% from FY 2004 (68.5%). As in the past years, condition violators admitted to prison had a significant impact on the total

admissions to the Department of Corrections in FY 2005.

Another big proportion of prison admissions came from new court commitments and violators with new sentences, which contributed another 31% to the total admissions in FY 2005, representing no percentage change compared with that of FY 2004 (30.9%). However, the trend analysis of new court commitments in the past five years reveals a declining tendency, which is consistent with the dropping crime rates observed statewide and nationwide.

Table 5: Distribution of FY 2005 Incarceration Sentences by Admission Type

| Admission Type | Number of Cases | Percent |
|--|-----------------|--------------|
| New Court Commitment | 1,489 | 25.9 |
| Probation Condition Violator | 1,783 | 31.1 |
| Probation Violator With New Sentence | 126 | 2.2 |
| Inmate Received on Interstate Compact | 6 | 0.1 |
| Parole/Post-release Condition Violator | 2,109 | 36.7 |
| Parole/Post-release Violator With New Sentence | 163 | 2.8 |
| Paroled to Detainer Returned With New Sentence | 33 | 0.6 |
| Conditional Release Condition Violator | 29 | 0.5 |
| Conditional Release Violator With New Sentence | 3 | 0.1 |
| TOTAL | 5,741 | 100.0 |

Table 6 illustrates a distribution of all incarcerated offenders by offense severity level and gender. The highest percentages (over 14%) of all nondrug offenders are found in severity levels 5, 7 and 9 (Figure 15). This severity level distribution of nondrug incarcerated offenders has

remained constant in the past five years. The examination of drug offenders demonstrates that 48.3% of all drug offenders fell on drug severity level 4 (Figure 16), which increased by 5.6% compared with that in FY 2004 (42.7%). Female offenders were convicted more often of drug offenses than of nondrug

offenses (16.1% vs. 8.7%). The highest percentages of female offenders were found

at drug severity level 4 (19.7%) and nondrug severity level 8 (25.3%, Table 6).

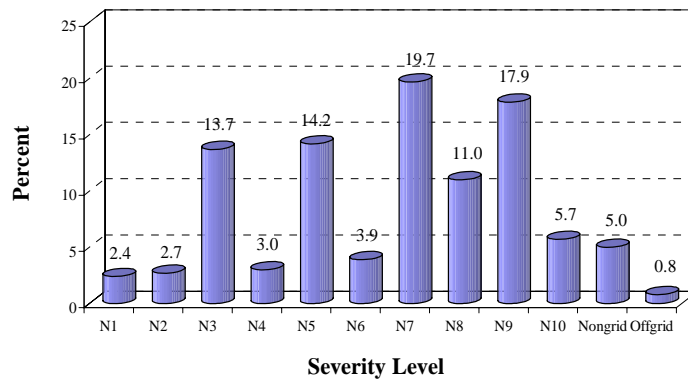
Table 6: Distribution of FY 2005 Incarceration Sentences by Severity Level and Gender*

| Severity Level | Number of Cases | Gender (%) | | Subtotal (%) |
|----------------|-----------------|------------|--------|--------------|
| | | Male | Female | |
| Drug | | | | |
| 1 | 187 | 84.5 | 15.5 | 11.6 |
| 2 | 132 | 84.1 | 15.9 | 8.2 |
| 3 | 516 | 89.1 | 10.9 | 31.9 |
| 4 | 781 | 80.3 | 19.7 | 48.3 |
| Subtotal | 1,616 | 83.9 | 16.1 | 100.0 |
| Nondrug | | | | |
| 1 | 96 | 96.9 | 3.1 | 2.4 |
| 2 | 112 | 99.1 | 0.9 | 2.7 |
| 3 | 562 | 97.9 | 2.1 | 13.7 |
| 4 | 123 | 95.9 | 4.1 | 3.0 |
| 5 | 584 | 94.2 | 5.8 | 14.2 |
| 6 | 158 | 92.4 | 7.6 | 3.9 |
| 7 | 809 | 92.3 | 7.7 | 19.7 |
| 8 | 462 | 74.7 | 25.3 | 11.0 |
| 9 | 737 | 90.6 | 9.4 | 17.9 |
| 10 | 235 | 87.2 | 12.8 | 5.7 |
| Nongrid | 206 | 95.6 | 4.4 | 5.0 |
| Offgrid | 33 | 97.0 | 3.0 | 0.8 |
| Subtotal | 4,117 | 91.3 | 8.7 | 100.0 |
| TOTAL** | 5,741 | 89.3 | 10.7 | 100.0 |

* Based on 1,616 drug offenders and 4,125 nondrug offenders.

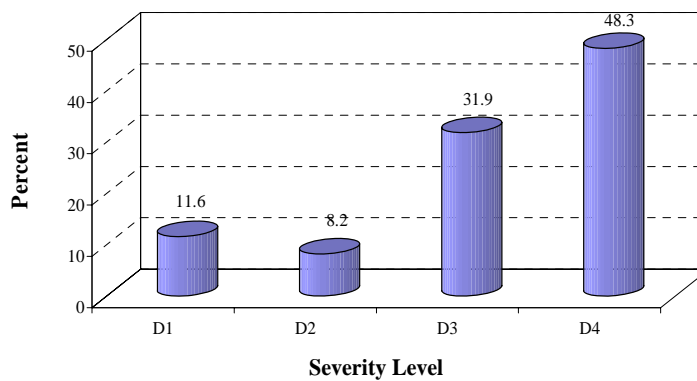
** Total number includes 8 offenders whose severity levels are unknown.

**Figure 15: FY 2005 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 4,117 nondrug offenders

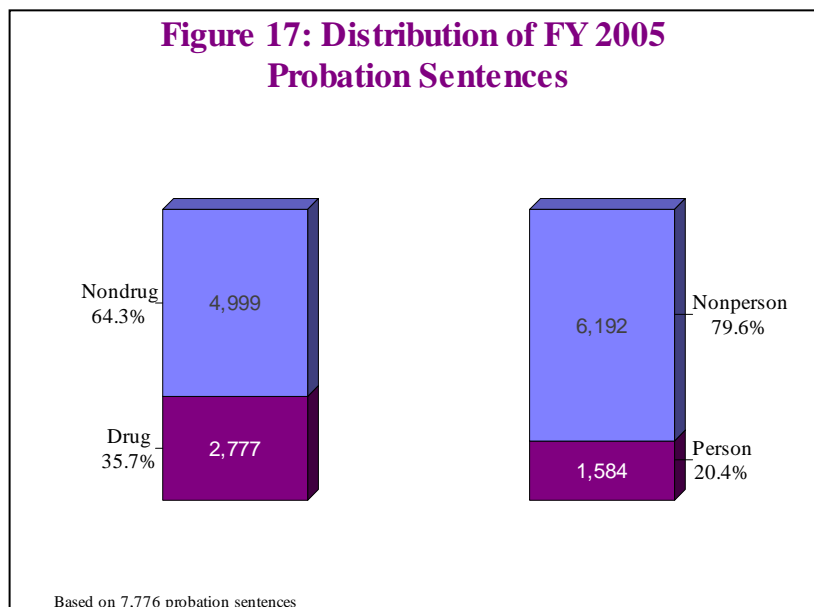
**Figure 16: FY 2005 Incarceration Sentences
Drug Offenders by Severity Level**



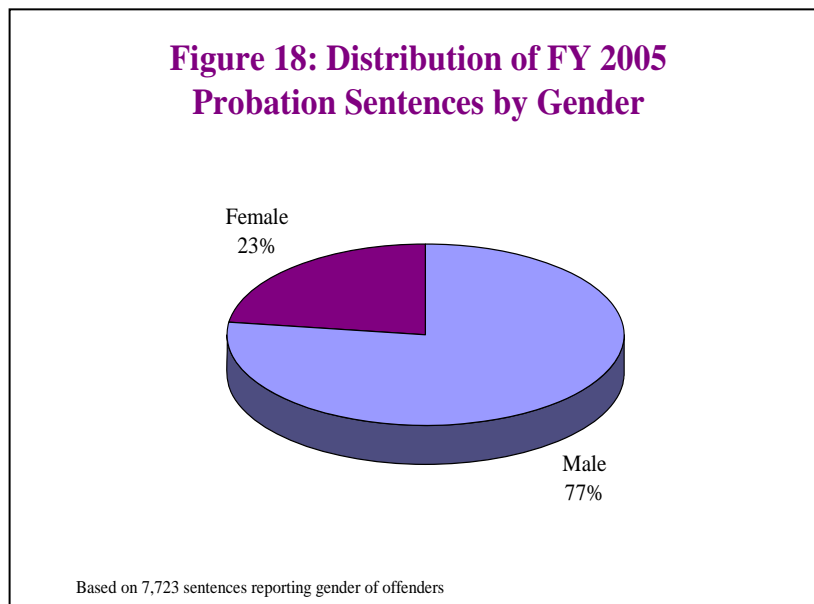
Based on 1,616 drug offenders

PROBATION SENTENCES

During FY 2005 the Kansas Sentencing Commission received a total number of 7,776 probation sentences. Of this number, 4,999 were nondrug sentences and 2,777 were drug sentences; non-person offenses made up 79.6% (6,192 sentences) and person offenses made up 20.4% (1,584 sentences, Figure 17). The demographic information of this offender group is described in Figures 18, 19 and 20.

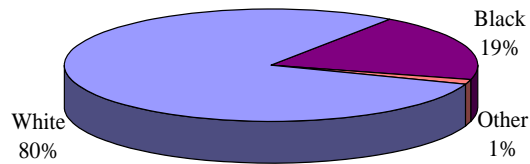


Male offenders accounted for 77% of all probation sentences in FY 2005 decreased by 2.1% compared with that observed in FY 2004 (Figure 18).



White offenders represented 80% of the probation sentences imposed in FY 2005. The percentage change of the white offenders indicates an increase of 0.9% compared with that of FY 2004 (79.1%) and an increase of 1.9% (78.1%) compared with that of FY 2003 (Figure 19).

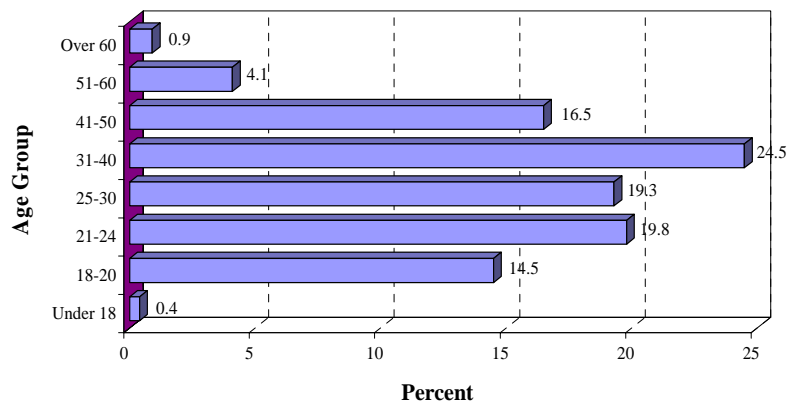
Figure 19: Distribution of FY 2005 Probation Sentences by Race



Based on 7,722 sentences reporting race of offenders

The biggest age group of probation offenders at the time of sentencing were found to be in their thirties (24.5%), demonstrating no change in the past five years (Figure 20).

Figure 20: Distribution of FY 2005 Probation Sentences by Age



Based on 7,728 sentences reporting age of offenders at time of sentencing

Type of Offense and Severity Level

The characteristics of probation offenders by offense type are presented in Tables 7 and 8. The top ten offenses committed by nondrug offenders on probation include aggravated assault, aggravated battery, burglary, criminal damage to property, criminal threat, DUI, fleeing LEO, forgery, robbery and theft, accounting for 77.1% of the total nondrug probation sentences in FY 2005 (Figure 21), an increase of 2.1% over that of the previous year (75%). In reviewing drug offenders on probation, the largest number of sentences was for possession of drugs, representing 65% of all probation drug offenses (Figure 22).

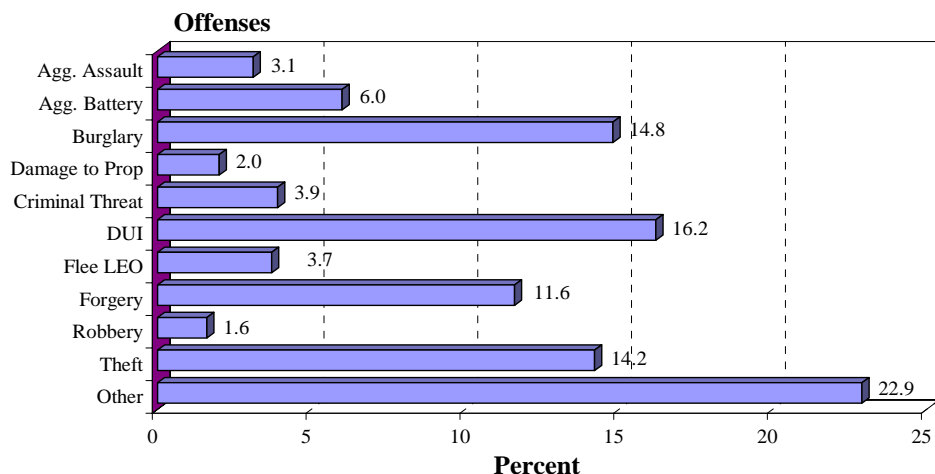
Males on probation in FY 2005 committed over 90% of the sex offenses and violent crimes of probation sentences such as: criminal threat, domestic battery, fleeing or eluding LEO, failure to register, nonsupport of a child or spouse and possession of firearms and weapons. The highest percentages of female probation nondrug

offenses (over 45%) included forgery, giving worthless checks, identity theft and Medicaid fraud (Table 7).

Racial analysis demonstrates that whites were responsible for 78.7% of all nondrug crimes and 80.1% of all drug offenses; blacks had a little higher conviction percentage for nondrug offenses than drug crimes (19.7% versus 18.8%). The average age at the time of committing offense was 30.8 years old for nondrug offenders and 31.3 years old for drug offenders (Table 7 & Table 8), which didn't show much difference from those in FY 2004.

The characteristics of probation offenders by severity level are presented in Tables 9 and 10. The largest number of probation nondrug sentences fell within nondrug grid severity level 9 (30.8%) and the highest percentage of probation drug sentences fell at drug grid severity level 4 (71.4%). These distributions are pretty consistent with those in the past four years.

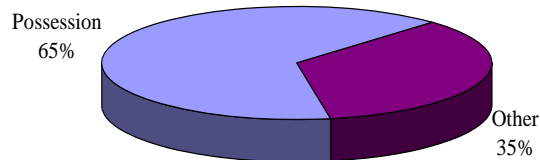
Figure 21: FY 2005 Top Ten Offenses for Probation Nondrug Sentences



Based on 4,999 probation nondrug sentences

Drug possession crimes included opiates or narcotics; possession 1st, 2nd, 3rd and subsequent offenses; depressants, stimulants, hallucinogenics, etc. possession 2nd and subsequent offense (Figure 22). The conviction of opiates or narcotics possession 1st represented 53.3% of the total probation drug sentences in FY 2005 (Table 8).

Figure 22: FY 2005 Probation Drug Sentences by Offense



Based on 2,777 probation drug sentences

Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense –1

| Offense Type | N | % | Gender (%) | | Race (%) | | | Offense Age Mean |
|------------------------------|-----|-----|------------|--------|----------|-------|-------|------------------|
| | | | Male | Female | White | Black | Other | |
| Abuse of Child | 14 | 0.3 | 50.0 | 50.0 | 78.6 | 21.4 | 0.0 | 35.6 |
| Agg Arson | 6 | 0.1 | 80.0 | 20.0 | 80.0 | 20.0 | 0.0 | 36.8 |
| Agg Assault | 158 | 3.2 | 86.5 | 13.5 | 70.5 | 28.2 | 1.3 | 30.0 |
| Agg Assault on LEO | 13 | 0.3 | 84.6 | 15.4 | 69.2 | 30.8 | 0.0 | 29.9 |
| Agg Battery | 298 | 6.0 | 87.9 | 12.1 | 70.1 | 27.9 | 2.0 | 28.7 |
| Agg Battery on LEO | 5 | 0.1 | 80.0 | 20.0 | 60.0 | 40.0 | 0.0 | 31.6 |
| Agg Burglary | 55 | 1.1 | 81.8 | 18.2 | 70.9 | 25.5 | 3.6 | 27.7 |
| Agg Escape from Custody | 21 | 0.4 | 85.7 | 14.3 | 76.2 | 23.8 | 0.0 | 32.7 |
| Agg Fail to Appear | 33 | 0.7 | 84.4 | 15.6 | 65.6 | 31.3 | 3.1 | 33.6 |
| Agg False Impersonation | 10 | 0.2 | 90.0 | 10.0 | 80.0 | 20.0 | 0.0 | 31.4 |
| Agg Incest | 5 | 0.1 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 45.4 |
| Agg Ind Lib with a Child | 73 | 1.5 | 97.3 | 2.7 | 89.0 | 11.0 | 0.0 | 27.3 |
| Agg Ind Solicit with a Child | 30 | 0.6 | 96.7 | 3.3 | 93.3 | 6.7 | 0.0 | 34.8 |
| Agg Inter w/Parental Custody | 5 | 0.1 | 40.0 | 60.0 | 100.0 | 0.0 | 0.0 | 33.1 |
| Agg Intimidation of a Victim | 7 | 0.1 | 85.7 | 14.3 | 71.4 | 28.6 | 0.0 | 28.3 |
| Agg Robbery | 26 | 0.5 | 88.5 | 11.5 | 50.0 | 50.0 | 0.0 | 24.0 |
| Agg Sex Battery with Child | 16 | 0.3 | 100.0 | 0.0 | 62.5 | 25.0 | 12.5 | 29.7 |
| Agg Weapon Violation | 6 | 0.1 | 100.0 | 0.0 | 33.3 | 50.0 | 16.7 | 36.5 |
| Aiding Felon | 21 | 0.4 | 76.2 | 23.8 | 61.9 | 38.1 | 0.0 | 28.2 |
| Arrange Sale/Purchase Drug | 6 | 0.1 | 66.7 | 33.3 | 100.0 | 0.0 | 0.0 | 32.4 |
| Arson | 30 | 0.6 | 80.0 | 20.0 | 80.0 | 20.0 | 0.0 | 29.9 |

Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense – 2

| Offense Type | N | % | Gender (%) | | Race (%) | | | Offense Age Mean |
|---------------------------------|--------------|--------------|-------------|-------------|-------------|-------------|------------|------------------|
| | | | Male | Female | White | Black | Other | |
| Banking Embezzlement | 6 | 0.1 | 0.0 | 100.0 | 83.3 | 16.7 | 0.0 | 39.1 |
| Battery on LEO | 18 | 0.4 | 61.1 | 38.9 | 66.7 | 33.3 | 0.0 | 28.0 |
| Burglary | 738 | 14.8 | 89.8 | 10.2 | 83.9 | 14.2 | 1.9 | 25.4 |
| Computer Crime | 15 | 0.3 | 66.7 | 33.3 | 100.0 | 0.0 | 0.0 | 28.6 |
| Contribute Child Misconduct | 12 | 0.2 | 75.0 | 25.0 | 91.7 | 0.0 | 8.3 | 25.1 |
| Crim Damage of Property | 98 | 2.0 | 83.7 | 16.3 | 79.6 | 17.3 | 3.1 | 26.0 |
| Criminal Threat | 197 | 3.9 | 91.3 | 8.7 | 76.0 | 21.4 | 2.6 | 31.7 |
| Criminal Use of Explosives | 7 | 0.1 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 25.7 |
| Crim Use of Financial Card | 38 | 0.8 | 60.5 | 39.5 | 65.8 | 28.9 | 5.3 | 29.3 |
| Domestic Battery | 11 | 0.2 | 100.0 | 0.0 | 81.8 | 18.2 | 0.0 | 30.8 |
| Drug without Tax Stamps | 68 | 1.4 | 82.4 | 17.6 | 82.4 | 17.6 | 0.0 | 30.4 |
| DUI | 811 | 16.2 | 84.4 | 15.6 | 91.3 | 7.3 | 1.4 | 38.7 |
| Failure to Register | 24 | 0.5 | 100.0 | 0.0 | 79.2 | 20.8 | 0.0 | 37.1 |
| False Writing | 73 | 1.5 | 58.3 | 41.7 | 73.6 | 25.0 | 1.4 | 31.6 |
| Fleeing/Eluding LEO | 183 | 3.7 | 91.7 | 8.3 | 69.6 | 29.3 | 1.1 | 29.0 |
| Forgery | 578 | 11.6 | 45.7 | 54.3 | 72.3 | 25.9 | 1.8 | 30.0 |
| Giving Worthless Check | 68 | 1.4 | 49.3 | 50.7 | 86.6 | 10.4 | 3.0 | 34.4 |
| Identity Theft | 54 | 1.1 | 40.7 | 59.3 | 81.5 | 18.5 | 0.0 | 31.0 |
| Ind Liberties with a Child | 18 | 0.4 | 94.4 | 5.6 | 77.8 | 22.2 | 0.0 | 33.0 |
| Ind Solicitation with a Child | 28 | 0.6 | 96.4 | 3.6 | 100.0 | 0.0 | 0.0 | 26.1 |
| Involuntary Manslaughter | 11 | 0.2 | 100.0 | 0.0 | 72.7 | 27.3 | 0.0 | 27.3 |
| Kidnapping | 7 | 0.1 | 85.7 | 14.3 | 71.4 | 14.3 | 14.3 | 33.5 |
| Lewd and Lascivious Behavior | 9 | 0.2 | 100.0 | 0.0 | 88.9 | 11.1 | 0.0 | 35.6 |
| Medicaid Fraud | 8 | 0.2 | 37.5 | 62.5 | 87.5 | 12.5 | 0.0 | 39.0 |
| Non-Support of a Child | 41 | 0.8 | 97.6 | 2.4 | 95.1 | 4.9 | 0.0 | 35.5 |
| Obtain Prescription Drug | 6 | 0.1 | 50.0 | 50.0 | 100.0 | 0.0 | 0.0 | 38.2 |
| Obstruct Legal Process | 69 | 1.4 | 87.0 | 13.0 | 76.8 | 21.7 | 1.4 | 29.7 |
| Possession of Firearms | 55 | 1.1 | 96.4 | 3.6 | 54.5 | 40.0 | 5.5 | 29.5 |
| Rape | 5 | 0.1 | 100.0 | 0.0 | 80.0 | 20.0 | 0.0 | 20.8 |
| Robbery | 82 | 1.6 | 82.9 | 17.1 | 57.3 | 41.5 | 1.2 | 26.5 |
| Securities Crimes | 7 | 0.1 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 48.6 |
| Sex Exploitation of a Child | 11 | 0.2 | 90.9 | 9.1 | 100.0 | 0.0 | 0.0 | 36.4 |
| Stalking | 7 | 0.1 | 83.3 | 16.7 | 100.0 | 0.0 | 0.0 | 39.5 |
| Theft | 711 | 14.2 | 68.8 | 31.2 | 75.0 | 23.7 | 1.3 | 30.7 |
| Traffic in Contraband | 25 | 0.5 | 64.0 | 36.0 | 84.0 | 12.0 | 4.0 | 30.6 |
| Unlawful Sexual Relations | 5 | 0.1 | 100.0 | 0.0 | 60.0 | 40.0 | 0.0 | 34.1 |
| Unlawful Voluntary Sex Relation | 17 | 0.3 | 94.1 | 5.9 | 88.2 | 11.8 | 0.0 | 18.5 |
| Voluntary Manslaughter | 5 | 0.1 | 80.0 | 20.0 | 20.0 | 60.0 | 20.0 | 27.3 |
| Weapon | 6 | 0.1 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 32.4 |
| Other | 29 | 0.6 | 76.9 | 23.1 | 84.6 | 15.4 | 0.0 | 32.0 |
| TOTAL | 4,999 | 100.0 | 78.1 | 21.9 | 78.7 | 19.7 | 1.6 | 30.8 |

Note: Due to missing data, each category is based on different numbers: Gender, N=4,961; Race, N=4,960; and Age, N=4,966.

Table 8: Characteristics of Probation Drug Offenders by Type of Offense

| Offense Type | N | % | Gender (%) | | Race (%) | | | Offense Age Mean |
|---|--------------|--------------|-------------|-------------|-------------|-------------|------------|------------------|
| | | | Male | Female | White | Black | Other | |
| Opiates or Narcotics; Poss 1 | 1,481 | 53.3 | 71.7 | 28.3 | 79.1 | 19.9 | 1.0 | 32.1 |
| Opiates or Narcotics; Poss 2 | 5 | 0.2 | 40.0 | 60.0 | 60.0 | 40.0 | 0.0 | 41.6 |
| Opiates or Narcotics; Sale 1 | 319 | 11.5 | 71.9 | 28.1 | 73.2 | 25.2 | 1.6 | 31.4 |
| Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School | 13 | 0.5 | 76.9 | 23.1 | 69.2 | 30.8 | 0.0 | 28.5 |
| Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale | 289 | 10.4 | 87.1 | 12.9 | 74.6 | 24.7 | 0.7 | 28.7 |
| Depress, Stim, Hall; Poss 2 | 315 | 11.3 | 85.1 | 14.9 | 81.6 | 16.8 | 1.6 | 28.6 |
| Possession of Paraphernalia | 152 | 5.5 | 80.3 | 19.7 | 92.1 | 7.2 | 0.7 | 31.3 |
| Possession of Precursor Drugs | 92 | 3.3 | 63.0 | 37.0 | 96.7 | 1.1 | 2.2 | 32.2 |
| Simulated Controlled Substances | 5 | 0.2 | 80.0 | 20.0 | 80.0 | 20.0 | 0.0 | 33.6 |
| Unlawful Manufacture Controlled Substance | 103 | 3.7 | 82.7 | 17.3 | 96.9 | 0.0 | 3.1 | 34.4 |
| Other | 3 | 0.1 | 100.0 | 0.0 | 66.7 | 33.3 | 0.0 | 36.0 |
| TOTAL | 2,777 | 100.0 | 75.4 | 24.6 | 80.1 | 18.8 | 1.2 | 31.3 |

Note: Due to missing data, each category is based on different numbers: Gender, N=2,762; Race, N=2,762; and Age, N=2,762.

Table 9: Characteristics of Probation Nondrug Offenders by Severity Level

| Severity Level | N | % | Gender (%) | | Race (%) | | | Offense Age Mean |
|----------------|--------------|--------------|-------------|-------------|-------------|-------------|------------|------------------|
| | | | Male | Female | White | Black | Other | |
| N1 | 4 | 0.1 | 100.0 | 0.0 | 75.0 | 25.0 | 0.0 | 21.4 |
| N3 | 46 | 0.9 | 93.5 | 6.5 | 76.1 | 23.9 | 0.0 | 25.3 |
| N4 | 4 | 0.1 | 100.0 | 0.0 | 100.0 | 0.0 | 0.0 | 28.7 |
| N5 | 223 | 4.5 | 85.7 | 14.3 | 71.7 | 25.6 | 2.7 | 28.7 |
| N6 | 61 | 1.2 | 90.2 | 9.8 | 82.0 | 18.0 | 0.0 | 30.6 |
| N7 | 1,053 | 21.1 | 85.0 | 15.0 | 79.4 | 18.9 | 1.7 | 28.1 |
| N8 | 793 | 15.9 | 55.5 | 44.5 | 72.9 | 25.4 | 1.8 | 29.9 |
| N9 | 1,539 | 30.8 | 79.0 | 21.0 | 76.6 | 21.6 | 1.9 | 29.5 |
| N10 | 454 | 9.0 | 78.9 | 21.1 | 75.1 | 24.0 | 0.9 | 31.2 |
| Nongrid | 822 | 16.4 | 84.6 | 15.4 | 91.2 | 7.4 | 1.4 | 38.6 |
| TOTAL | 4,999 | 100.0 | 78.1 | 21.9 | 78.7 | 19.7 | 1.6 | 30.8 |

Note: Due to missing data, each category is based on different numbers: Gender, N=4,961; Race, N=4,960; and Age, N=4,966.

Table 10: Characteristics of Probation Drug Offenders by Severity Level

| Severity Level | N | % | Gender (%) | | Race (%) | | | Offense Age Mean |
|----------------|--------------|--------------|-------------|-------------|-------------|-------------|------------|------------------|
| | | | Male | Female | White | Black | Other | |
| D1 | 121 | 4.4 | 70.9 | 29.1 | 98.3 | 0.9 | 0.9 | 33.6 |
| D2 | 20 | 0.7 | 70.0 | 30.0 | 70.0 | 30.0 | 0.0 | 32.1 |
| D3 | 653 | 23.5 | 79.3 | 20.7 | 75.3 | 23.1 | 1.5 | 30.4 |
| D4 | 1,983 | 71.4 | 74.5 | 25.5 | 80.6 | 18.3 | 1.1 | 31.5 |
| TOTAL | 2,777 | 100.0 | 75.4 | 24.6 | 80.1 | 18.8 | 1.2 | 31.3 |

Note: Due to missing data, each category is based on different numbers: Gender, N=2,762; Race, N=2,762 and Age, N=2,762.

SB 123 Drug Treatment Offenders

The implementation of Senate Bill 123 started on November 1st, 2003. This law provides mandatory certified drug abuse treatment for a defined target population of nonviolent adult drug offenders who have been convicted of drug crimes under K.S.A. 65-4160 or 65-4162.

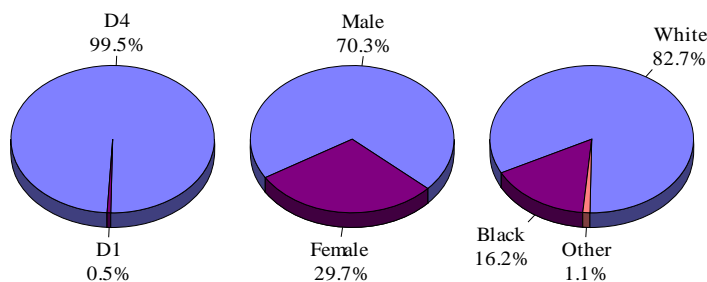
A total number of 1,105 sentences in FY 2005 were imposed to SB 123 drug treatment programs, representing nearly 40% of the total drug probation sentences (2,777). Of these sentences, almost 80%

were convicted of the crime of drug possession under K.S.A. 65-4160 and 19.3% were convicted of the crime of drug possession under K.S.A. 65-4162. Johnson County imposed most SB 123 drug treatment sentences (150) followed by Sedgwick (143), Saline (77), Reno (66), Shawnee (57) and Harvey (57) counties (Figure 24).

In addition, 127 drug treatment sentences were revoked during FY 2005. Of this number, 58 were revoked to prison. The average period between original sentence and revocation hearing was 6.7 months.

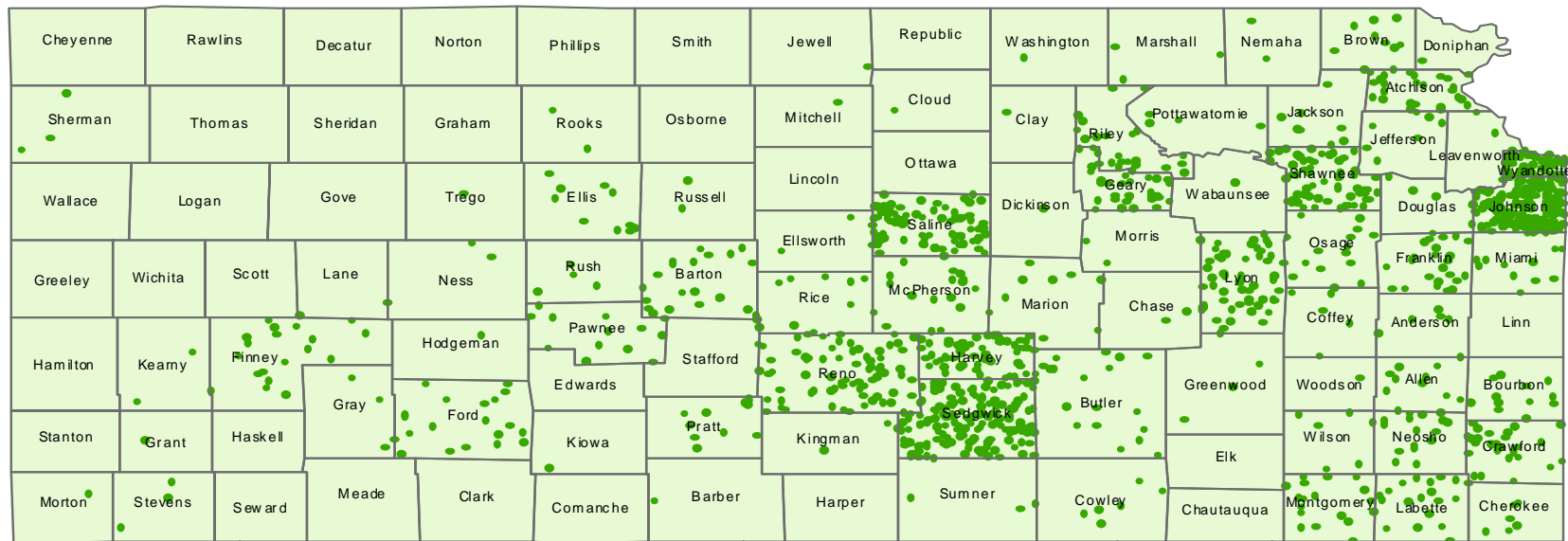
The offenders at drug severity level 4 accounted for 99.5% and 0.5% of the offenders fell at drug severity level 1. White males were still the majority of the treatment offenders. The average age of the drug treatment offenders was 32 years old, which is the same with that of FY 2004 (Figure 23).

Figure 23: Distribution of FY 2005 Senate Bill 123 Drug Treatment Sentences

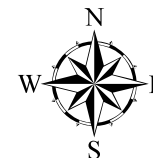


Note: Severity level, N=1,105; Gender, N=1,101; Race, N=1,101

Figure 24: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2005



Summary
 Total county=105
 Total sentences=1,105
 County w/zero=31
 Minimum=1
 Maximum=150
 Mean=15



Criminal History and Length of Probation

In FY 2005, there were 7,000 probation sentences reported to the Commission with assigned criminal history categories, representing 90% of all the probation sentences (7,776). The largest number of this group fell within criminal history category I (34% or 2,387 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 25). Further analysis of the offenders with criminal history category I reveals that they accounted for 32.6% of offenders on the nondrug grid and 36.4% of offenders on the drug grid.

Approximately 88% of nondrug offenders fell within the presumptive probation boxes (Table 11), while 61.7% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12). In reviewing border box sentences, only 4% of nondrug offenders were found to be at severity level 5 with criminal history

categories H and I and severity level 6 with criminal history category G, while 21.7% of drug probation sentences fell within severity level 3 with criminal history categories E to I, which are designated as border boxes (Tables 11 and 12).

In the Legislation of year 2003, drug severity level 4 with criminal history categories E and F are reclassified as presumptive probation boxes, effective on November 1, 2003. The sentencing data in border boxes implies that drug offenders tend to be sentenced to probation more frequently than do nondrug offenders when their offense types and criminal history categories fell within the border boxes.

Tables 11 and 12 contain the probation terms of probation sentences by severity levels. The average length of probation for nondrug offenders was 17.5 months, while the average length of probation for drug offenders was 16.3 months, which are very constant to those of the past five years.

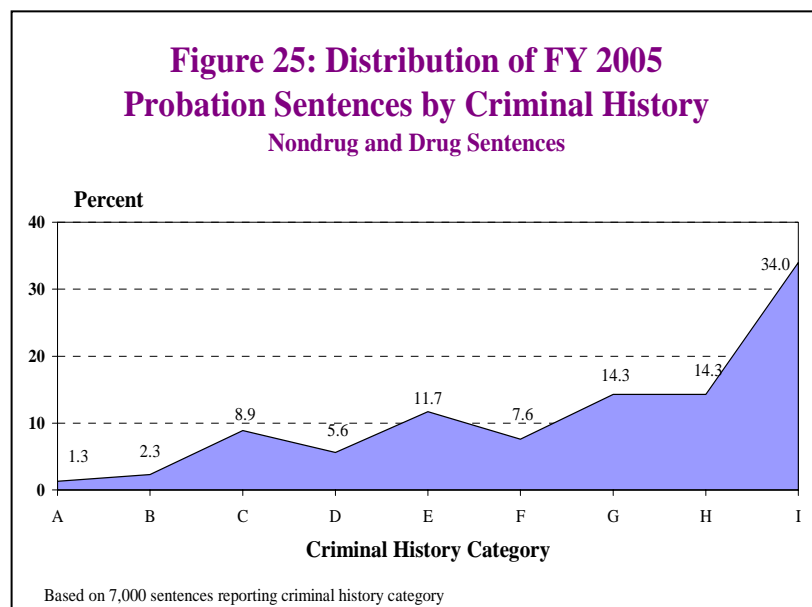


Table 11: Criminal History and Probation Length by Severity Level – Nondrug Offenders

| Severity Level | N | Criminal History Class | | | | | | | | | Average Probation Length in Months |
|----------------|--------------|------------------------|------------|------------|------------|------------|------------|------------|------------|--------------|------------------------------------|
| | | A | B | C | D | E | F | G | H | I | |
| N1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 48.0 |
| N2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N/A |
| N3 | 46 | 0 | 1 | 1 | 1 | 3 | 1 | 3 | 8 | 28 | 40.6 |
| N4 | 4 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 36.0 |
| N5 | 223 | 3 | 3 | 4 | 20 | 9 | 2 | 20 | 41 | 121 | 36.4 |
| N6 | 61 | 0 | 0 | 1 | 1 | 1 | 2 | 9 | 11 | 36 | 26.3 |
| N7 | 1,053 | 15 | 31 | 117 | 90 | 90 | 67 | 132 | 137 | 374 | 23.5 |
| N8 | 793 | 13 | 19 | 90 | 41 | 146 | 62 | 109 | 99 | 214 | 18.2 |
| N9 | 1,539 | 32 | 43 | 192 | 98 | 210 | 116 | 196 | 211 | 439 | 12.8 |
| N10 | 454 | 8 | 12 | 41 | 48 | 57 | 28 | 46 | 70 | 144 | 12.4 |
| Nongrid | 822 | 1 | 0 | 3 | 2 | 2 | 5 | 7 | 12 | 17 | 13.6 |
| TOTAL | 4,999 | 72 | 109 | 449 | 301 | 518 | 284 | 523 | 591 | 1,377 | 17.5 |

Note: Criminal history classes are based on 4,224 cases reporting criminal history category.

Legend:

| | | |
|--------------------|--------------|-----------------------|
| Presumptive Prison | Border Boxes | Presumptive Probation |
|--------------------|--------------|-----------------------|

Table 12: Criminal History and Probation Length by Severity Level – Drug Offenders

| Severity Level | N | Criminal History Class | | | | | | | | | Average Probation Length in Months |
|----------------|--------------|------------------------|-----------|------------|-----------|------------|------------|------------|------------|--------------|------------------------------------|
| | | A | B | C | D | E | F | G | H | I | |
| D1 | 121 | 1 | 1 | 8 | 2 | 18 | 7 | 21 | 12 | 50 | 17.4 |
| D2 | 20 | 0 | 1 | 4 | 0 | 3 | 0 | 2 | 2 | 8 | 31.5 |
| D3 | 653 | 1 | 5 | 21 | 23 | 54 | 70 | 109 | 97 | 273 | 18.7 |
| D4 | 1,983 | 20 | 42 | 139 | 69 | 224 | 170 | 343 | 297 | 679 | 15.1 |
| TOTAL | 2,777 | 22 | 49 | 172 | 94 | 299 | 247 | 475 | 408 | 1,010 | 16.3 |

Note: Criminal history classes are based on 2,776 cases reporting criminal history category.

Legend:

| | | |
|--------------------|--------------|-----------------------|
| Presumptive Prison | Border Boxes | Presumptive Probation |
|--------------------|--------------|-----------------------|